

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 34, 38, 43-45, drawn to a detector arrangement using a sensor element coordinated with a ferromagnetic element having an induction element thereon and used to determine the direction of remagnetization of the ferromagnetic element by whether this sensor element is excited. Classified in 324/207.2.

Group II, claim(s) 36, 37, 44 and 45, drawn to a detector element using a second induction element surrounding a ferromagnetic element having an induction element thereon and having a time shift in signals therein depending on the remagnetization of the ferromagnetic element triggered by an exciter magnet. Classified in 324/207.15.

It is noted that there is only one independent claim, claim 45, which is written as a detector having alternative distinct inventions/embodiments contained therein, neither requiring the features of the other and neither disclosed as combinable in the application as filed. Furthermore, claims 32, 33, 35 and 39-42 are not distinct to either of Group I or Group II and can be examined in either or both groups.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or

corresponding special technical features for the following reasons. The technical feature of Group I is the sensor element and that the sensor element is triggered by the exciter magnet and coordinated with the ferromagnetic element and whether or not the sensor element is excited determines the direction of the remagnetization of the ferromagnetic element. Whereas the technical features of Group II is the second induction element surrounding the ferromagnetic element along with the induction element and the direction of remagnetization is determined based on the time shift in signals from the two induction elements. As disclosed in the specification, these groups/embodiments are not combined but are separate in use and operation. Furthermore, they are distinct in use and operation since the second induction element monitors directly the ferromagnetic element and the sensor element monitors the magnetic field of the exciter element. Accordingly, the inventions have separate technical features and functions. The inclusion of both groups in the independent claim 45 provides two alternate inventions therein and thus this claim itself is restrictable under PCT rules. The remaining claims either are separate along the lines of the groups (claims 34, 36-38, 43 and 44 following these lines) or they are generic to each group (claims 32, 33, 35 and 39-42).

A telephone call was made to Kenneth L Mitchell (Reg. 36873) on May 7, 2009 to request an oral election to the above restriction requirement, but did not result in an election being made. Mr. Mitchell requested the restriction requirement. See also attached Interview Summary.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification/amendment of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENNETH J. WHITTINGTON whose telephone number is (571)272-2264. The examiner can normally be reached on Monday-Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth J Whittington/
Primary Examiner, Art Unit 2862

kjw